



W.P.(MD) No.20496 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.20496 of 2023
and
W.M.P.(MD) No.16947 of 2023**

Chanthirasaker

... Petitioner

/vs./

- 1.The Commissioner,
HR & CE Administration Department,
Mahatma Gandhi Road,
Nugambakkam,
Chennai 600 034.
- 2.The Joint Commissioner,
HR & CE Administration Department,
Trichy.
- 3.The Assistant Commissioner,
HR & CE Administration Department,
Parambalur.
- 4.The Inspector,
HR & CE Administration Department,
Lalgudi Taluk,
Trichy.



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5.The Trustee,
A/m. Nakapa Samy Madurai Veeran Temple,
Kopavali Village,
Lalgudi Taluk,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in MP.No.85/2022 passed by the 2nd respondent dated 23.07.2023 and consequential impugned proceedings in Na.Ka.No. 2711/2021/A5/dated 10.08.2023 issued by the 3rd respondent, and quash the same as illegal and consequential directing the 2nd respondent fix reasonable rent for cultivate land survey No.12/8, positioned within the precincts of Kopavali village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.S.B.Kayvin Prince

For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader

For R5 : Mr.Ramesh Mahadev

ORDER

The challenge in the writ petition is to an order passed under Section 78 of the HR & CE Act, 1959.



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2. An efficacious alternative remedy by way of Revision under Section 21 of the Act before the Commissioner, HR & CE, namely the first respondent herein, is available to the petitioner. Without exhausting the said remedy, the writ petition had been filed.

3. Since the efficacious alternative remedy is available to the petitioner, the Writ Petition cannot be entertained and accordingly, the same is dismissed with liberty to the petitioner to invoke Section 21 of the Act and file a Revision before the Revisional Authority. Considering the fact that the petitioner had been communicated with the order passed by the second respondent dated 23.07.2023 only as an enclosure to the consequential proceedings issued by the third respondent dated 10.08.2023 and that the writ petition had been filed on 21.08.2023 before this Court, if the petitioner approaches the first respondent on or before 30.01.2025, the first respondent shall not raise the issue of delay in filing the appeal before him and entertain and adjudicate the same on merits and in accordance with law.



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However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Internet : Yes / No

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K.KUMARESH BABU, J.

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